

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

REMARKS

The Office action has been carefully considered. The Office action rejected claims 4-5, 7-22, 35-37, 39 and 41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,480,885 to Olivier et al. ("Olivier") in view of U.S. Patent No. 6,185,551 to Birrell et al. ("Birrell"). Further, the Office action rejected claims 6, 23-34, 38, 40 and 42-43 under 35 U.S.C. § 103(a) as being unpatentable over Olivier in view of Birrell and in further view of U.S. Patent No. 6,643,652 to Helgeson et al. ("Helgeson"). Applicants respectfully disagree.

By present amendment, claims 4-19, 21, 35, and 41 have been amended. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed to a system and method for using an inbox service that allows for central (e.g., over the internet) access to specific data typically stored on a server computer. See generally FIG. 4 and pages 16-17 of the specification. The data is typically stored in the form of a content document (for example, content document 422) and the information that designates access to the data is typically stored in the form of a logical inbox document (for example, roleList document 424). These logical documents are part of a schema (for example,

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

service schema 416) for providing the information about the structure and meaning of data stored in the system. Such a system is advantageous for storing contact information and the like such that a user may obtain a person's email address or telephone number from any device capable of connecting to the internet. Since the schema provides the information about the structure of data, any device of any platform or communication protocol may access the data.

One embodiment of the present invention features a system and method for providing a schema for coordinating the access, manipulation, and retrieval of data. The schema is a function of the class of service. In this example, the schema is directed to data structures typically used in common email platforms, *i.e.*, an inbox schema. As such, the inbox schema, which is typically in the form of a content document in a markup language, includes inbox-related fields arranged having defined structures and meanings.

When another computing device wishes to access or retrieve the data, it will first be determined whether the device has permission to access or retrieve the data. As mentioned above, the inbox service includes a logical inbox document that describes a scope of access rights, *i.e.*, which users have what type of access to which data. For example, a data owner will have read/write access to his or her own data, and can provide various types of rights to that data to other users based on their roles and/or IDs. Thus, when a user wishes to set the scope as defined in the logical inbox document, the user sends a request to manipulate the data stored in the logical inbox document which controls the scope. In response to the request, at least one set of data in a logical inbox document (data that corresponds to

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

associated identity information) may be manipulated based on the type of request. In this way, each set of data in the logical inbox document corresponds to a related field in the inbox schema and determines the scope of access rights for users according to their identity information.

Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Turning to the claims, amended claim 4 recites a method comprising receiving a request from a device having a service running thereon using a service to service protocol to retrieve inbox data from a data store, the request including associated identity information, reading from the data store to obtain inbox data in response to the request, wherein access to the data store is based on the associated identity information, constructing an inbox document including at least part of the requested inbox data and including at least part of a defined schema for inbox data in a markup language, the defined schema providing structure and meaning to the inbox data and interpreted by the service running on the device, and returning the inbox document to the device in response to the request.

The Office action rejected claim 4 as unpatentable over Olivier in view of Birrell. More specifically, the Office action maintains the contention that Olivier teaches constructing an inbox document including at least part of the data, the document arranged according to a defined schema for inbox data. Column 5, lines 1-5 and column 16, lines 25-29, of Olivier are referenced. The Office action acknowledges that Olivier does not teach the remaining recitations of claim 4, but contends that Birrell does. More specifically, the Office action contends that Birrell

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

teaches receiving a request to retrieve inbox data, the request including associated identity information, reading from a data store to obtain inbox data based on the associated identity information. Column 5, lines 29-43, column 13, line 41 and column 16, lines 40-43 of Birrell are referenced. Further, the Office action contends that Birrell also teaches returning the document in response to the request. Column 14, lines 48-49 and column 16, lines 3-14 of Birrell are referenced. The Office action then concludes that it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the teachings of Olivier with the teachings of Birrell because this would allow a user to interchange useful information, in a number of different presentation modalities, in a timely and convenient manner. Applicants respectfully disagree.

By law, in order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). As discussed in greater detail below, the claims of the present invention are thus clearly patentable over the teachings of the cited and applied references as a matter of law.

As has been argued before in previous Office action responses, Olivier and Birrell, whether considered alone or in any permissible combination, do not teach

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

or suggest each of the limitations of claim 4. A schema, as defined by the Microsoft Computer Dictionary, 5th Edition for example, may be a description of a database to a database management system which defines aspects of the database, such as attributes (also known as fields) and parameters of the attributes. As such, a schema may provide a "roadmap" of how fields are used in the storage of data and at least part of the schema itself may be in the form of a content document in a markup language, such as XML, providing structure and meaning to the data.

The Office action contends that Olivier teaches constructing an inbox document arranged according to a defined schema for inbox data. The cited reference to Olivier specifically discloses a database available to an email server wherein the database system includes a schema, data, and a Database Management System, (Column 5, lines 1-5). Further, Olivier discloses delivering reply email messages to an original message via a distribution list of the original message, as opposed to the replying subscriber's distribution list, (Column 16, lines 25-29). Applicants do not understand how the Office action contends that these citations to Olivier teach constructing an inbox document. Instead, Olivier teaches a well-known email system that uses a database (as most do) having a schema. Olivier, however, simply does not teach, much less is even aware of constructing an actual inbox document that includes at least part of a schema. Retrieving information from a schema-based database for a reply email is not the same as constructing an inbox document including at least part of the requested inbox data and including at least part of a defined schema for inbox data in a

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

markup language, the defined schema providing structure and meaning to the inbox data and interpreted by the service running on the device, as essentially recited in claim 4.

Moreover, there is no teaching or even any appreciation of the use of a schema in the manner suggested in claim 4 in the system disclosed by Olivier. Nowhere can there be found in Olivier an inbox schema in the form of a content document such that the schema may be practiced in a common networked environment, such as the internet. Further, nowhere in Birrell can there be found such a document that includes at least part of defined schema for inbox data. Neither Olivier nor Birrell, taken alone or in any permissible combination, teach or even suggest a document for inbox data as generally recited in claim 4. That is, amended claim 4 recites constructing a document with both requested inbox data and a defined schema for inbox data and this combination is clearly not taught or even suggested by any prior art of record.

For at least the reason that neither Olivier nor Birrell, whether considered alone or in any permissible combination, teach or suggest all of the claim limitations recited in claim 4, applicants respectfully submit that claim 4 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 5 and 7-19, by similar analysis, are allowable over Olivier and Birrell, whether considered alone or in any permissible combination. Claims 5 and 7-18 include the recitations of independent claim 4. As discussed above, neither Olivier nor Birrell disclose or suggest the recitations of claim 4, whether considered alone or in any permissible combination.

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

In addition to the recitations of claim 4 noted above, these claims include additional patentable elements.

For example, claim 8 recites the method of claim 4 wherein the schema comprises at least one defined field corresponding to a sender's email address. That is, the field, which is part of the schema for inbox data, may include a sender's email address. In contrast, the cited section of Birrell that the Office action contends teaches this concept actually teaches an HTML-enabled button that is able to reveal the name of the sender in an HTML presented email document. Birrell certainly cannot be construed to teach a defined field with a sender's email address within the context of a schema for inbox data in a markup language. Applicants submit that claim 8 is patentable over the prior art of record at least for this additional reason.

The Office action rejected claim 6 as unpatentable over Olivier in view of Birrell and in further view of Helgeson. Applicants respectfully submit that dependent claim 6, by similar analysis, is allowable over Olivier, Birrell, and Helgeson, whether considered alone or in any permissible combination. Dependent claim 6 includes the recitations of independent claim 4. As discussed above, neither Olivier nor Birrell disclose or suggest the recitations of claim 4, whether considered alone or in any permissible combination. Further, Helgeson certainly does not disclose or suggest any recitations in claim 4. In addition to the recitations of claim 4 noted above, dependent claim 6 includes additional patentable elements.

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

Turning to the next independent claim, the Office action rejected claim 19 as unpatentable over Olivier in view of Birrell. More specifically, the Office action rejected claim 19 for identical reasons discussed above with respect to the rejection of claim 4. Applicants respectfully disagree.

Again, as has been argued before in previous Office action responses, there is no teaching or even any appreciation of the use of a schema in the manner suggested in claim 19 in the system disclosed by Olivier. Nowhere can there be found in Olivier an inbox document that includes a defined schema for inbox data in a markup language such that the schema may be practiced in a common networked environment, such as the internet. Likewise, nowhere in Birrell can there be found such an inbox document that includes at least part of a defined schema for inbox data in a markup language.

Notwithstanding these clear differences, claim 19 has been amended to recite constructing an inbox document including at least part of the requested inbox data and including at least part of the defined schema. Clearly, neither Olivier nor Birrell teach or even suggest such subject matter, whether considered alone or in any permissible combination. Applicants submit that claim 19 is allowable over the prior art of record for at least these reasons.

Applicants respectfully submit that dependent claim 20, by similar analysis, is allowable over Olivier and Birrell, whether considered alone or in any permissible combination. Claim 20 includes the recitations of independent claim 19. As discussed above, neither Olivier nor Birrell disclose or suggest the recitations of claim 19. In addition to the recitations of claim 19, claim 20 includes additional

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

patentable elements. Applicants submit that claim 20 is allowable over the prior art of record for at least these reasons.

Turning to the next independent claim, amended claim 21 recites a method comprising accessing a network using a device, the accessing including providing associated identity information corresponding to the device, requesting data from a service accessible via the network, the request based on the associated identity information, determining if the request is an allowable request based on the associated identity information, and if the request is allowable, returning a document to the device, the document including at least part of the requested data and including at least part of a schema in a markup language associated with the service.

The Office action rejected claim 21 as being unpatentable over Olivier in view of Birrell and, again, the Office action cited identical sections of Olivier and Birrell that were referenced in the rejection of claims 4 and 19 as discussed above. Applicants respectfully disagree.

There is no teaching or even any appreciation of the use of a schema in the manner recited in claim 21 in the system disclosed by Olivier. Nowhere can there be found in Olivier a document that includes a defined schema in a markup language associated with a service such that the schema may be practiced in a common networked environment, such as the internet. Neither Olivier nor Birrell, whether considered alone or in any permissible combination, teach or even suggest such a recited limitation. Applicants submit that claim 21 is allowable over the prior art of record for at least these reasons.

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

Applicants submit that dependent claim 22, by similar analysis, is allowable over Olivier and Birrell, whether considered alone or in any permissible combination. Claim 22 includes the recitations of independent claim 21. As discussed above, neither Olivier nor Birrell, whether considered alone or in any permissible combination, disclose or suggest the recitations of claim 21. In addition to the recitations of claim 21, claim 22 includes additional patentable elements. Applicants submit that claim 22 is allowable over the prior art of record for at least these reasons.

Applicants submit that dependent claims 23-34, by similar analysis, are also allowable over Olivier, Birrell, and Helgeson, whether considered alone or in any permissible combination. These claims depend either directly or indirectly from claim 21 and consequently include the recitations of independent claim 21. Neither Olivier, Birrell, nor Helgeson, whether considered alone or in any permissible combination, disclose or suggest the recitations of claim 21. In addition to the recitations of claim 21 noted above, these claims include additional patentable elements. Applicants submit that claims 23-34 are allowable over the prior art of record for at least these reasons.

Turning to the next independent claim, the Office action rejected claim 35 as being unpatentable over Olivier in view of Birrell and, again, the Office action cited identical sections of Olivier and Birrell as discussed above with respect to the rejections of claim 4 and 19. Applicants respectfully disagree.

There is no teaching or even any appreciation of the use of a schema in the manner recited in claim 35 in the system disclosed by Olivier. Nowhere can there

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

be found in Olivier a document that includes a defined schema in a markup language associated with a service such that the schema may be practiced in a common networked environment, such as the internet. Further, nowhere in Birrell can there be found such a document that includes at least part of a defined schema for inbox data.

Neither Olivier nor Birrell, whether considered alone or in any permissible combination, teach or even suggest a document that includes at least part of a defined schema associated with a service, as generally recited in claim 35. Applicants submit that claim 35 is allowable over the prior art of record for at least these reasons.

Applicants submit that dependent claims 36-40, by similar analysis, are also allowable over Olivier, Birrell and Helgeson, whether considered alone or in any permissible combination. These claims depend either directly or indirectly from claim 35 and consequently include the recitations of independent claim 35. Neither Olivier, Birrell nor Helgeson, whether considered alone or in any permissible combination, disclose or suggest the recitations of claim 35. In addition to the recitations of claim 35, these claims include additional patentable elements. Applicants submit that claims 36-40 are allowable over the prior art of record for at least these reasons.

Turning to the last independent claim, amended claim 41 recites a method comprising receiving a request to manipulate inbox data in a logical inbox document, the request including associated identity information, determining a scope of access rights based on the identity information, the scope determined

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

according to an inbox schema having inbox-related fields, wherein at least part of the inbox schema is included in a content document in a markup language with defined structures for the fields, and if the request is within the scope, manipulating at least one set of data in the logical inbox document that includes data therein according to the associated identity information, each set of data in the logical inbox document structured to correspond to a field in the content document.

There is no teaching or even any appreciation of the use of a schema in the manner recited in claim 41 in the system disclosed by Olivier. Nowhere can there be found in Olivier a document that includes a defined schema in a markup language associated with a service such that the schema may be practiced in a common networked environment, such as the internet. Further, nowhere in Birrell can there be found such a document that includes at least part of a defined schema for inbox data.

Again, neither Olivier nor Birrell, whether considered alone or in any permissible combination, teach or even suggest a document that includes at least part of a defined schema associated with a service as generally recited in claim 41. Applicants submit that claim 41 is allowable over the prior art of record for at least these reasons.

Applicants submit that dependent claims 42-43, by similar analysis, are also allowable over Olivier, Birrell and Helgeson, whether considered alone or in any permissible combination. These claims are dependent directly from claim 41 and consequently include the recitations of independent claim 41. Neither Olivier, Birrell, nor Helgeson, whether considered alone or in any permissible combination,

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

teach or suggest the recitations of claim 41. In addition to the recitations of claim 41 noted above, these claims include additional patentable elements. Applicants submit that claims 42-43 are allowable over the prior art of record for at least these reasons.

For at least these reasons, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.

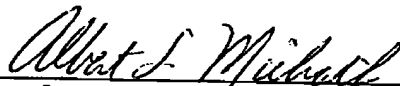
In re Application of LUCOVSKY et al.
Serial No. 10/021,563

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 4-43 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



Albert S. Michalik, Reg. No. 37,395
Attorney for Applicants
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE, Suite 193
Sammamish, WA 98074
(425) 836-3030
(425) 836-8957 (facsimile)

In re Application of LUCOVSKY et al.
Serial No. 10/021,563

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment, along with Petition for Extension of Time, Credit Card Payment Form, Transmittal and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: August 31, 2005


Albert S. Michalik

3080 Third Amendment